

Environmental Protection Agency

§ 52.870

(iii) An order shall not be effective until it has been submitted to and approved by the Administrator in accordance with §§ 51.104, 51.105, 51.261 and 51.262(a).

(2) Notwithstanding the limitations of paragraph (b)(1)(ii) of this section, an order may be granted which provides for compliance beyond the statutory attainment date for a national standard where compliance is not possible because of breakdowns or malfunctions of equipment, acts of God, or other unavoidable occurrences. However, such order may not defer compliance for more than three (3) months unless the procedures and conditions set forth in section 110(f) of the Act are met.

[38 FR 30877, Nov. 8, 1973, as amended at 51 FR 40675, 40676, 40677, Nov. 7, 1986; 52 FR 24367, June 30, 1987]

§§ 52.829–52.832 [Reserved]

§ 52.833 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are met, except for sources seeking permits to locate on Indian lands in the state of Iowa; sources with permits issued by EPA prior to the effective date of the state's rules; and certain sources affected by the stack height rules described in a letter from Iowa dated April 22, 1987.

(b) Regulations for preventing significant deterioration of air quality.

The provisions of § 52.21 (b) through (w) are hereby incorporated and made a part of the applicable state plan for the state of Iowa for sources wishing to locate on Indian lands; sources constructed under permits issued by EPA; and certain sources as described in Iowa's April 22, 1987, letter.

[52 FR 23982, June 26, 1987]

§ 52.834 Control strategy: Sulfur dioxide.

Approval—On April 21, 1997, the Iowa Department of Natural Resources (IDNR) submitted a maintenance plan and redesignation request for the Muscatine County nonattainment area. The maintenance plan and redesigna-

tion request satisfy all applicable requirements of the Clean Air Act.

[63 FR 13345, Mar. 19, 1998]

Subpart R—Kansas

§ 52.869 Identification of plan—Conditional approval.

Elements of the maintenance plan revision to the State Implementation Plan (SIP) submitted by the Governor's designee on May 21, 1998, which address contingency measures for the Kansas City Ozone Maintenance Area are conditionally approved. This includes a commitment to implement the additional reductions as expeditiously as practicable. Full approval of the SIP is conditioned upon receipt of one of the following by June 28, 2000: a request from the Governor of Kansas to require the sale of Federal reformulated gasoline within the Kansas portion of the Kansas City Maintenance Area; adopted regulations implementing the contingency measures identified in the 1992 maintenance plan, i.e., Stage II Vapor Recovery or an Enhanced Inspection and Maintenance Program; or any combination of adopted regulations that will achieve the minimum volatile organic compound reductions (8.4 tons per day) required by the contingency measures identified in the 1992 SIP. In the case of options 2 or 3, upon receipt of regulations implementing these provisions and a request to amend the maintenance plan accordingly, EPA will initiate a rulemaking on this subsequent revision. If the state fails to submit one of the above requirements within the time specified, the conditional approval automatically converts to a disapproval without further regulatory action.

[64 FR 28761, May 27, 1999; 64 FR 32809, June 18, 1999]

§ 52.870 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable SIP for Kansas under Section 110 of the CAA, 42 U.S.C. 7401 *et seq.* and 40 CFR Part 51 to meet NAAQS.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c), (d), and (e) of this section with an EPA approval date prior to July 1, 1998, was

approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c), (d), and (e) of this section with the EPA approval dates after July 1, 1998, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region VII certifies that the rules/regulations provided by the EPA in the SIP compilation at the addresses in paragraph (b)(3) are an exact dupli-

cate of the officially promulgated state rules/regulations which have been approved as part of the SIP as of July 1, 1998.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region VII, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; the Office of Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC; or at the EPA Air and Radiation Docket and Information Center, Air Docket (6102), 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(c) *EPA-approved regulations.*

EPA—APPROVED KANSAS REGULATIONS

Kansas citation	Title	State effective date	EPA approval date	Comments
Kansas Department of Health and Environment Ambient Air Quality Standards and Air Pollution Control				
General Regulations				
K.A.R. 28–19–6 ...	Statement of Policy	1/1/72	5/31/72, 37 FR 10867	Kansas revoked this rule 5/1/82.
K.A.R. 28–19–8 ...	Reporting Required	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28–19–9 ...	Time Schedule for Compliance	5/1/84	12/21/87, 52 FR 48265	
K.A.R. 28–19–10	Circumvention of Control Regulations	1/1/71	5/31/72, 37 FR 10867	
K.A.R. 28–19–11	Exceptions Due to Breakdowns or Scheduled Maintenance.	1/1/74	11/8/73, 38 FR 30867	
K.A.R. 28–19–12	Measurement of Emissions	1/1/71	5/31/72, 37 FR 10867	
K.A.R. 28–19–13	Interference with Enjoyment of Life and Property.	1/1/74	11/8/73, 38 FR 30876	
K.A.R. 28–19–14	Permits Required	1/24/94	7/17/95, 60 FR 36361	
K.A.R. 28–19–15	Severability	1/1/71	5/31/72, 37 FR 10867	
Nonattainment Area Requirements				
K.A.R. 28–19–16	New Source Permit Requirements for Designated Nonattainment Areas.	10/16/89	1/16/90, 55 FR 1422	The EPA deferred action on the state's current definition of the terms "building, structure, facility, or installation"; "installation"; and "reconstruction."
K.A.R. 28–19–16a	Definitions	10/10/97	1/11/00, 65 FR 1548	
K.A.R. 28–19–16b	Permit Required	10/16/89	1/16/90, 55 FR 1422	
K.A.R. 28–19–16c	Creditable Emission Reductions	10/16/89	1/16/90, 55 FR 1422	
K.A.R. 28–19–16d	Fugitive Emission Exemption	10/16/89	1/16/90, 55 FR 1422	
K.A.R. 28–19–16e	Relaxation of Existing Emission Limitations	10/16/89	1/16/90, 55 FR 1422	
K.A.R. 28–19–16f	New Source Emission Limits	10/16/89	1/16/90, 55 FR 1422	
K.A.R. 28–19–16g	Attainment and Maintenance of National Ambient Air Quality Standards.	10/16/89	1/16/90, 55 FR 1422	
K.A.R. 28–19–16h	Compliance of Other Sources	10/16/89	1/16/90, 55 FR 1422	
K.A.R. 28–19–16i	Operating Requirements	10/16/89	1/16/90, 55 FR 1422	
K.A.R. 28–19–16j	Revocation and Suspension of Permit	10/16/89	1/16/90, 55 FR 1422	
K.A.R. 28–19–16k	Notification Requirements	10/16/89	1/16/90, 55 FR 1422	
K.A.R. 28–19–16l	Failure to Construct	10/16/89	1/16/90, 55 FR 1422	
K.A.R. 28–19–16m.	Compliance with Provisions of Law Required.	10/16/89	1/16/90, 55 FR 1422	

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EPA—APPROVED KANSAS REGULATIONS—Continued

Kansas citation	Title	State effective date	EPA approval date	Comments
Attainment Area Requirements				
K.A.R. 28–19–17	Prevention of Significant Deterioration of Air Quality.	6/8/92	1/12/93, 58 FR 3847	The EPA retained PSD permit authority for Indian lands.
K.A.R. 28–19–17a	Incorporation of Federal Regulation by Reference.	6/8/92	1/12/93, 58 FR 3847	
K.A.R. 28–19–17b	Definitions	6/8/92	1/12/93, 58 FR 3847	
K.A.R. 28–19–17c	Ambient Air Increments	6/8/92	1/12/93, 58 FR 3847	
K.A.R. 28–19–17d	Ambient Air Ceilings	6/8/92	1/12/93, 58 FR 3847	
K.A.R. 28–19–17e	Stack Height	6/8/92	1/12/93, 58 FR 3847	
K.A.R. 28–19–17f	Review of Major Stationary Sources and Major Modifications, Source Applicability, and Exemptions.	6/8/92	1/12/93, 58 FR 3847	
K.A.R. 28–19–17g	Control Technology Review	6/8/92	1/12/93, 58 FR 3847	
K.A.R. 28–19–17h	Source Impact Analysis	6/8/92	1/12/93, 58 FR 3847	
K.A.R. 28–19–17i	Air Quality Models	6/8/92	1/12/93, 58 FR 3847	
K.A.R. 28–19–17j	Air Quality Analysis	6/8/92	1/12/93, 58 FR 3847	
K.A.R. 28–19–17k	Source Information	6/8/92	1/12/93, 58 FR 3847	
K.A.R. 28–19–17l	Additional Impact Analysis	6/8/92	1/12/93, 58 FR 3847	
K.A.R. 28–19–17m.	Sources Affecting Federal Class I Areas ...	6/8/92	1/12/93, 58 FR 3847	
K.A.R. 28–19–17n	Revocation and Suspension of Permit	6/8/92	1/12/93, 58 FR 3847	
K.A.R. 28–19–17o	Public Participation	6/8/92	1/12/93, 58 FR 3847	
K.A.R. 28–19–17p	Source Obligation	6/8/92	1/12/93, 58 FR 3847	
K.A.R. 28–19–17q	Innovative Control Technology	6/8/92	1/12/93, 58 FR 3847	
Stack Height Requirements				
K.A.R. 28–19–18	Stack Heights	5/1/88	4/20/89, 54 FR 15934	The state regulation has stack height credit. The EPA has not approved that part.
K.A.R. 28–19–18b	Definitions	5/1/88	4/20/89, 54 FR 15934	
K.A.R. 28–19–18c	Methods for Determining Good Engineering Practice Stack Height.	5/1/88	4/20/89 54 FR 15934	
K.A.R. 28–19–18d	Fluid Modeling	5/1/88	4/20/89, 54 FR 15934	
K.A.R. 28–19–18e	Relaxation of Existing Emission Limitations	5/1/88	4/20/89, 54 FR 15934	
K.A.R. 28–19–18f	Notification Requirements	5/1/88	4/20/89, 54 FR 15934	
Continuous Emission Monitoring				
K.A.R. 28–19–19	Continuous Emission Monitoring	6/8/92	1/12/93, 58 FR 3847	
K.A.R. 28–19–21	Additional Emission Restrictions	10/16/89	1/16/90, 55 FR 1422	
K.A.R. 28–19–22	Sulfur Compound Emissions	1/1/72	11/8/73, 38 FR 30876	
K.A.R. 28–19–23	Hydrocarbon Emissions—Stationary Sources.	12/27/72	11/8/73, 38 FR 30876	
K.A.R. 28–19–24	Control of Carbon Monoxide Emissions	1/1/72	11/8/73, 38 FR 30876	
Indirect Heating Equipment Emissions				
K.A.R. 28–19–30	General Provisions	1/1/72	5/31/72, 37/FR 10867	
K.A.R. 28–19–31	Emission Limitations	11/8/93	10/18/94, 59 FR 52425	
K.A.R. 28–19–32	Exemptions—Indirect Heating Equipment ..	11/8/93	10/18/94, 59 FR 52425	
Incinerator Emissions				
K.A.R. 28–19–40	General Provisions	1/1/71	5/31/72, 37 FR 10867	
K.A.R. 28–19–41	Restriction of Emission	12/27/72	11/8/73, 38 FR 30876	
K.A.R. 28–19–42	Performance Testing	1/1/72	11/8/73, 38 FR 30876	
K.A.R. 28–19–43	Exceptions	1/1/71	5/31/72, 37 FR 10867	
Air Pollution Emergencies				
K.A.R. 28–19–55	General Provisions	1/1/72	5/31/72, 37 FR 10867	
K.A.R. 28–19–56	Episode Criteria	10/16/89	1/16/90, 55 FR 1422	
K.A.R. 28–19–57	Emission Reduction Requirements	1/1/72	5/31/72, 37 FR 10867	
K.A.R. 28–19–58	Emergency Episode Plans	1/1/72	5/31/72, 37 FR 10867	

EPA—APPROVED KANSAS REGULATIONS—Continued

Kansas citation	Title	State effective date	EPA approval date	Comments
Volatile Organic Compound Emissions				
K.A.R. 28–19–61	Definitions	10/7/91	6/23/92, 57 FR 27936	
K.A.R. 28–19–62	Testing Procedures	10/7/71	6/23/92, 57 FR 27936	
K.A.R. 28–19–63	Automobile and Light Duty Truck Surface Coating.	11/8/93	10/18/94, 59 FR 52425	
K.A.R. 28–19–64	Bulk Gasoline Terminals	5/1/88	5/18/88, 53 FR 17000	
K.A.R. 28–19–65	Volatile Organic Compounds (VOC) Liquid Storage in Permanent Fixed Roof Type Tanks.	5/1/88	5/18/88, 53 FR 17700	
K.A.R. 28–19–66	Volatile Organic Compounds (VOC) Liquid Storage in External Floating Roof Tanks.	5/1/88	5/18/88, 53 FR 17700	
K.A.R. 28–19–67	Petroleum Refineries	5/1/86	1/2/87, 52 FR 53	
K.A.R. 28–19–68	Leaks from Petroleum Refinery Equipment	5/1/86	1/2/87, 52 FR 53	
K.A.R. 28–19–69	Cutback Asphalt	5/1/88	5/18/88, 53 FR 17700	
K.A.R. 28–19–70	Leaks from Gasoline Delivery Vessels and Vapor Collection Systems.	5/15/98	1/11/00, 65 FR 1548	
K.A.R. 28–19–71	Printing Operations	5/1/88	5/18/88, 53 FR 17700	
K.A.R. 28–19–72	Gasoline Dispensing Facilities	5/1/88	5/18/88, 53 FR 17700	
K.A.R. 28–19–73	Surface Coating of Miscellaneous Metal Parts and Products and Metal Furniture.	6/8/92	1/12/93, 58 FR 3847	
K.A.R. 28–19–74	Wool Fiberglass Manufacturing	5/1/88	5/18/88, 53 FR 17700	
K.A.R. 28–19–75	Solvent Metal Cleaning	5/1/88	5/18/88, 53 FR 17700	
K.A.R. 28–19–76	Lithography Printing Operations	10/7/91	6/23/92, 57 FR 27936	
K.A.R. 28–19–77	Chemical Processing Facilities That Operate Alcohol Plants or Liquid Detergent Plants.	10/7/91	6/23/92, 57 FR 27936	
General Provisions				
K.A.R. 28–19–200	General Provisions; definitions	10/10/97	1/11/00, 65 FR 1548	New rule. Replaces K.A.R. 28–19–7 definitions. New rule. Replaces Regulated Compounds in K.A.R. 28–19–7.
K.A.R. 28–19–201	General Provisions; Regulated Compounds List.	10/10/97	1/11/00, 65 FR 1548	
K.A.R. 28–19–204	Permit Issuance and Modification; Public Participation.	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28–19–210	Calculation of Actual Emissions	11/22/93	01/11/00, 65 FR 1548	
K.A.R. 28–19–212	Approved Test Methods and Emission Compliance Determination Procedures.	1/23/95	7/17/95, 60 FR 36361	
Construction Permits And Approvals				
K.A.R. 28–19–300	Applicability	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28–19–301	Application and Issuance	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28–19–302	Additional Provisions; Construction Permits	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28–19–303	Additional Provisions; Construction Approvals.	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28–19–304	Fees	1/23/95	7/17/95, 60 FR 36361	
General Permits				
K.A.R. 28–19–400	General Requirements	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28–19–401	Adoption by the Secretary	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28–19–402	Availability of Copies; Lists of Sources to Which Permits Issued.	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28–19–403	Application to Construct or Operate Pursuant to Terms of General Permits.	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28–19–404	Modification, Revocation	1/23/95	7/17/95, 60 FR 36361	
Operating Permits				
K.A.R. 28–19–500	Applicability	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28–19–501	Emissions Limitations and Pollution Control Equipment for Class I and Class II Operating Permits; Conditions.	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28–19–502	Identical Procedural Requirements	1/23/95	7/17/95, 60 FR 36361	

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EPA—APPROVED KANSAS REGULATIONS—Continued

Kansas citation	Title	State effective date	EPA approval date	Comments
Class II Operating Permits				
K.A.R. 28–19–540	Applicability	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28–19–541	Application Timetable and Contents	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28–19–542	Permit-by-Rule	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28–19–543	Permit Term and Content; Operational Compliance.	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28–19–544	Modification of Sources or Operations	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28–19–545	Application Fee	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28–19–546	Annual Emission Inventory	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28–19–561	Permit-by-Rule; Reciprocating Engines	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28–19–562	Permit-by-Rule; Organic Solvent Evaporative Sources.	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28–19–563	Permit-by-Rule; Hot Mix Asphalt Facilities	1/23/95	7/17/95, 60 FR 36361	
Open Burning Restrictions				
K.A.R. 28–19–645	Open Burning Prohibited	3/1/96	10/2/96, 61 FR 51366	
K.A.R. 28–19–646	Responsibility for Open Burning	3/1/96	10/2/96, 61 FR 51366	
K.A.R. 28–19–647	Exceptions to Prohibition on Open Burning	3/1/96	10/2/96, 61 FR 51366	
K.A.R. 28–19–648	Agricultural Open Burning	3/1/96	10/2/96, 61 FR 51366	
K.A.R. 28–19–650	Emissions Opacity Limits	1/29/99	1/11/00, 65 FR 1548	New rule. Replaces K.A.R. 28–19–50 and 28–19–52
Volatile Organic Compound Emissions				
K.A.R. 28–19–717	Control of Volatile Organic Compound Emissions (VOC) from Commercial Bakery Ovens in Johnson and Wyandotte Counties.	12/22/00	12/12/01	
K.A.R. 28–19–719	Fuel Volatility	4/27/01	2/13/02, 67 FR 6658	
Conformity				
K.A.R. 28–19–800	General Conformity of Federal Actions	3/15/96	10/2/96, 61 FR 51366	
Wyandotte County				
2A–1	Jurisdiction	5/1/81	4/3/81, 46 FR 20164	
2A–2	Purpose	5/1/81	4/3/81, 46 FR 20164	
2A–3	Definitions	5/1/81	4/3/81, 46 FR 20164	
2A–4	Powers of the Board	5/1/81	4/3/81, 46 FR 20164	
2A–5	Facts and Circumstances Pertinent to Orders of Joint Board.	5/1/81	4/3/81, 46 FR 20164	
2A–6	Right of Entry for Inspection	5/1/81	4/3/81, 46 FR 20164	
2A–7	Time for Compliance Schedule	5/1/81	4/3/81, 46 FR 20164	
2A–8	Variance	5/1/81	4/3/81, 46 FR 20164	
2A–9	Circumvention of Chapter or Regulations ..	5/1/81	4/3/81, 46 FR 20164	
2A–10	Air Pollution Nuisances Prohibited; Additional Emission Restrictions; Interference with the Enjoyment of Life and Property.	5/1/81	4/3/81, 46 FR 20164	
2A–11	Reserved			
2A–12	Confidential Information	5/1/81	4/3/81, 46 FR 20164	
2A–13	Registration and Permit Systems; Exemptions.	5/1/81	4/3/81, 46 FR 20164	
2A–14	Review of New or Altered Sources	5/1/81	4/3/81, 46 FR 20164	
2A–15	Public Hearings	5/1/81	4/3/81, 46 FR 20164	
2A–16	Installations in Which Fuel Is Burned	5/1/81	4/3/81, 46 FR 20164	
2A–17	Restriction of Emission of Particulate Matter.	5/1/81	4/3/81, 46 FR 20164	
2A–18	Open Burning Restrictions	5/1/81	4/3/81, 46 FR 20164	
2A–19	Opacity Requirements	5/1/81	4/3/81, 46 FR 20164	
2A–20	Exceptions Due To Breakdowns or Scheduled Maintenance.	5/1/81	4/3/81, 46 FR 20164	
2A–21	Preventing Particulate from Becoming Airborne.	5/1/81	4/3/81, 46 FR 20164	
2A–22	Measurement of Emissions	5/1/81	4/3/81, 46 FR 20164	
2A–23	Restrictions of Emissions of Odors	5/1/81	4/3/81, 46 FR 20164	
2A–24	Sulfur Compound Emissions	5/1/81	4/3/81, 46 FR 20164	
2A–25	Control of Carbon Monoxide Emissions	5/1/81	4/3/81, 46 FR 20164	

EPA—APPROVED KANSAS REGULATIONS—Continued

Kansas citation	Title	State effective date	EPA approval date	Comments
2A–26	Control of Nitrogen Oxide Emissions	5/1/81	4/3/81, 46 FR 20164	
2A–27	Air Pollution Emergencies—General Provisions.	5/1/81	4/3/81, 46 FR 20164	
2A–28	Same—Episode Criteria	5/1/81	4/3/81, 46 FR 20164	
2A–29	Emission Reduction Requirements	5/1/81	4/3/81, 46 FR 20164	
2A–30	Emergency Episode Plans	5/1/81	4/3/81, 46 FR 20164	
2A–31	Penalties for Violation of Chapter or Air Pollution Control Regulations.	5/1/81	4/3/81, 46 FR 20164	
2A–32	Conflict of Ordinances, Effect of Partial Invalidity.	5/1/81	4/3/81, 46 FR 20164	

(d) *EPA-approved State source-specific permits.*

EPA-APPROVED KANSAS SOURCE-SPECIFIC PERMITS

Name of source	Permit No.	State effective date	EPA approval date	Comments
Board of Public Utilities, Quindaro Power Station	2090048	10/20/93	10/18/94, 59 FR 52425	
Board of Public Utilities, Kaw Power Station	2090049	10/20/93	10/18/94, 59 FR 52425	

(e) *EPA-approved nonregulatory provisions and quasi-regulatory measures.*

EPA-APPROVED KANSAS NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or Nonattainment area	State submittal date	EPA approval date	Comments
Implementation Plan for Attainment and Maintenance of the National Air Quality Standards.	Statewide	1/31/72	5/31/72, 37 FR 10867	
Comments on the Plan in Response to EPA Review.	Kansas City	3/24/72	6/22/73, 38 FR 46565	Correction notice published 3/2/76
Emergency Episode Operations/Communications Manual.	Kansas City	4/6/72	11/8/73, 38 FR 30876	Correction notice published 3/2/76
Emergency Episode Operations/Communications Manual.	Statewide except Kansas City.	2/15/73	11/8/73, 38 FR 30876	Correction notice published 3/2/76
Letter Concerning Attainment of CO Standards.	Kansas City	5/29/73	11/8/73, 38 FR 30876	Correction notice published 3/2/76
Amendment to State Air Quality Control Law Dealing with Public Access to Emissions Data.	Statewide	7/27/73	11/8/73, 38 FR 30876	Correction notice published 3/2/76.
Analysis and Recommendations Concerning Designation of Air Quality Maintenance Areas.	Statewide	2/28/74	3/2/76, 41 FR 8960	
Ozone Nonattainment Plan	Kansas City	9/17/79	4/3/81, 46 FR 20165	
Ozone Nonattainment Plan	Douglas County	10/22/79	4/3/81, 46 FR 20165	
TSP Nonattainment Plan	Kansas City	3/10/80	4/3/81, 46 FR 20165	
Lead Plan	Statewide	2/17/81	10/22/81, 46 FR 51742	
CO Nonattainment Plan	Wichita	4/16/81	12/15/81, 46 FR 61117	
Air Monitoring Plan	Statewide	10/16/81	1/22/82, 47 FR 3112	
Letter and Supporting Documentation Relating to Reasonably Available Control Technology for Certain Particulate Matter Sources.	Kansas City	9/15/81	6/18/82, 47 FR 26387	Correction notice published 1/12/84.
Letter Agreeing to Follow EPA Interim Stack Height Policy for Each PSD Permit Issued Until EPA Revises the Stack Height Regulations.	Statewide	6/20/84	12/11/84, 49 FR 48185	
Letters Pertaining to Permit Fees	Statewide	3/27/86 9/15/87	12/21/87, 52 FR 48265	
Revisions to the Ozone Attainment Plan	Kansas City	7/2/86 4/16/87 8/18/87 8/19/87 1/6/88	5/18/88, 53 FR 17700	

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EPA-APPROVED KANSAS NONREGULATORY PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or Nonattainment area	State submittal date	EPA approval date	Comments
Revised CO Plan	Wichita	3/1/85 9/3/87	10/28/88, 53 FR 43691	
Letter Pertaining to the Effective Date of Continuous Emission Monitoring Regulations.	Statewide	1/6/88	11/25/88, 53 FR 47690	
Letters Pertaining to New Source Permit Regulations, Stack Height Regulations, and Stack Height Analysis and Negative Declarations.	Statewide	3/27/86 12/7/87 1/6/88	4/20/89, 54 FR 15934	
PM ₁₀ Plan	Statewide	10/5/89 10/16/89	1/16/90, 55 FR 1422	
Ozone Maintenance Plan	Kansas City	10/23/91	6/23/92, 57 FR 27936	
Letter Pertaining to PSD NO _x Requirements.	Statewide	9/15/92	1/12/93, 58 FR 3847	
Small Business Assistance Plan	Statewide	1/25/94	5/12/94, 59 FR 24644.	
Letter Regarding Compliance Verification Methods and Schedules Pertaining to the Board of Public Utilities Power Plants.	Kansas City	12/11/92	10/18/94, 59 FR 52425	
Emissions Inventory Update Including a Motor Vehicle Emissions Budget.	Kansas City	5/11/95	4/25/96, 59 FR 52425	

[64 FR 7098, Feb. 12, 1999, as amended at 65 FR 1547, Jan. 11, 2000; 65 FR 39551, June 27, 2000; 66 FR 64150, Dec. 12, 2001; 67 FR 6658, Feb. 13, 2002]

§ 52.871 Classification of regions.

The Kansas plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Kansas City Interstate	I	III	III	I	I
South Central Kansas Intrastate	I	III	III	III	I
Northeast Kansas Intrastate	I	III	III	III	III
Southeast Kansas Intrastate	III	III	III	III	III
North Central Kansas Intrastate	I	III	III	III	III
Northwest Kansas Intrastate	I	III	III	III	III
Southwest Kansas Intrastate	I	III	III	III	III

[37 FR 10867, May 31, 1972]

§ 52.872 Operating permits.

Emission limitations and related provisions which are established in Kansas operating permits as Federally enforceable conditions shall be enforceable by EPA. EPA reserves the right to deem permit conditions not Federally enforceable. Such a determination will be made according to appropriate procedures and be based upon the permit, permit approval procedures, or permit requirements which do not conform with the operating permit program re-

quirements or the requirements of EPA underlying regulations.

[60 FR 36364, July 17, 1995]

§ 52.873 Approval status.

(a) The Kansas portion of the Kansas City metropolitan area was designated as nonattainment for ozone in 40 CFR part 81. Therefore, the Administrator approves continuation of the 7.8 RVP limit as federally enforceable in the Kansas City metropolitan area, even